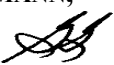




PLANNING & ZONING COMMISSION

AGENDA REQUEST

AGENDA OF:	JULY 22, 2010	AGENDA REQUEST NO:	IV-A
INITIATED BY:	NELDA MCGEE, EXECUTIVE SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DEPARTMENT HEAD:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	MINUTES PLANNING & ZONING COMMISSION MEETING JUNE 24, 2010 APPROVE MINUTES		
EXHIBITS:	MINUTES JUNE 24, 2010		
CLEARANCES		APPROVAL	
LEGAL:	N/A	INTERIM PLANNING DIRECTOR:	DOUG SCHOMBURG
RECOMMENDED ACTION			
Approve the minutes of the Planning & Zoning Commission meeting June 24, 2010.			

EXHIBITS

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

**CITY OF SUGAR LAND
SUGAR LAND PLANNING AND ZONING COMMISSION MEETING
THURSDAY, JUNE 24, 2010**

REGULAR MEETING

The City of Sugar Land Planning and Zoning Commission convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on June 24, 2010 at 6:30 o'clock P.M. and the roll was called of the members; to wit:

Bridget R. Yeung, Chairman
Carl Stephens, Vice Chairman
Farha Ahmed
Marlena Berger
Sandy Hellums
Harish Jajoo
Nancy Porter
James Shaw
Paula Stansell

QUORUM PRESENT

All of said members were present, with the exception of Commissioner Ahmed, Commissioner Hellums, and Commissioner Porter, who were absent.

Also present were:
Aaron Dobbs, Assistant City Attorney
Doug Schomburg, Interim Planning Director
Robin Hicks, Administrative Manager and
A Number of Visitors and Staff

CONVENE MEETING

Chairman Yeung convened the session, open to the public, to order at 6:30 o'clock P.M.

PUBLIC COMMENT

Chairman Yeung introduced Public Comment stating that citizens desiring to address the Planning and Zoning Commission with regard to matters on the agenda would be received at this time.

PUBLIC COMMENT (CONTINUED)

There were no public comments.

MINUTES

Chairman Yeung introduced consideration on the minutes of the regular City of Sugar Land Planning and Zoning Commission Meeting held June 08, 2010.

Chairman Yeung requested the word “use” on page 3, in the first bulleted item under “Research possibilities for median cut” be changed to “have.”

Following a full and complete discussion, **Commissioner Stephens**, seconded by **Commissioner Berger**, made a motion to approve the minutes as amended of the regular City of Sugar Land Planning and Zoning Commission Meeting held June 08, 2010. The motion carried unanimously.

PUBLIC HEARING

TELFAIR SECTION 24 FINAL REPLAT

Chairman Yeung convened the public hearing to receive and hear all persons desiring to be heard on Final Replat of 28.07 acres into 46 single family lots, Telfair Section 24, from property identified as Tract 5, Texas Department of Transportation Partition Plat.

Mr. Harold Ellis, Planner II stated the Final Replat consists of 28.05 acres, 46 lots, and 6 reserves with access from University Boulevard. The Preliminary Plat was approved March 25, 2010; zoning for the property is R-1, Standard Single Family Residential.

The land is former state prison land which was partition platted by the State of Texas in 1997 for transfer to the General Land Office (GLO) for the purpose of being sold. A 300-foot wide portion of the land was dedicated for roadway; 150 feet was needed for University Boulevard; the remaining portion was included in the sale of land to Newland Properties; 9 residential lots are in that area; Lots 4-7, Block 1 and Lots 1-5 in Block 2. City Subdivision Regulations does not formally recognize partition plats; the property is a replat recorded with the County. Public Hearings will be held for lots in the 150-foot former roadway planning area in future sections of Telfair and Tract 5.

All requirements for the public hearing have been met; one informational inquiry was received; staff recommends approval of Telfair Section 24 Final Replat.

Chairman Yeung entertained comments from the public.

There being no further comments, **Chairman Yeung** closed the Public Hearing.

TELFAIR SECTION 24 FINAL REPLAT

Chairman Yeung introduced consideration on Telfair Section 24 Final Replat.

TELFAIR SECTION 24 FINAL REPLAT (CONTINUED)
--

Commissioner Stephens commented that separate instrument dedication for the perimeter 7-foot utility/aerial easements outside the plat boundary should be made a condition of recording the plat. Commissioner Stephens asked where the 14-foot AE/UE stops, **Mr. Robert Valenzuela, Assistant City Engineer** responded it goes to the proposed lift station. Commissioner Stephens commented that was not reflective on the plat; Staff stated further delineation would be provided.

Commissioner Stephens commented that “Reserve F” for the same 14-foot UE/AE reflects “restricted to landscape, open space, and utility easement”; the Notes indicate “all lake detention tracts, easements, open space, or other common areas within the boundaries of the plat should be maintained by the applicable Homeowners Association.”; stating this could be a problem with CenterPoint, and questioned why there is a landscape easement on top of a dedicated UE/AE. **Mr. Keith Behrens, Newland Communities** stated they would be recording an easement within that 14-foot UE/AE as a separate instrument for overhead power to the lift station prior to the plat being recorded. Commissioner Stephens stated that would go away when the plat is filed and asked if landscape easement “Reserve F” will remain as half of the 14-foot UE/AE. Mr. Behrens stated the area is held in reserve to prevent power poles being put on lots; the word “landscape” can be removed if the Commission prefers it not be shown as a landscape reserve. Commissioner Stephens asked who would own the 7-foot reserve area; Mr. Behrens responded the area will be owned and maintained by the Homeowners Association. Commissioner Stephens suggested the word “reserve” be taken out and the area restricted to “utility easement”.

Commissioner Stephens stated the 14-foot UE terminates at the edge of the Berclair Court cul-de-sac from Lot 3, Block 1 to Lot 4, Block 1, and asked how utilities will continue across and connect. **Mr. Behrens** stated based on the layout obtained from CenterPoint a connection at the stated location is not needed; if additional easements are needed CenterPoint will provide an offsite easement or a separate instrument to record.

Commissioner Stephens asked why Hedgewood Place in Reserve E shows a 7-foot utility easement on one side, has a separate instrument for 14 feet, and then continues as a 10-foot utility easement. **Mr. Behrens** stated it is a side lot in Section 25A plat; the lot is shown as a reserve adjacent to Lot 1, Section 25; CenterPoint requires a 10-foot easement outside of a side lot, this is coming from a rear lot.

Commissioner Stephens recommended the following changes in the dedicatory language for the Notes:

- Paragraphs 2 and 3, second line, “designed” should be “designated” (to agree with Section 25 Plat)
- Note 7 - add “Fort Bend I.S.D.” (to agree with Section 25 Plat)

Mr. Ellis confirmed the corrections would be made prior to recordation and that Reserve F would be changed on the Reserve Table as a condition of approval.

Commissioner Jajoo asked if there is a standard template for plat notes. **Mr. Ellis** replied there are three sets of notes: commercial, residential, and areas outside the City limits (ETJ). Commissioner Jajoo commented Note 16, regarding the drainage system allowing street ponding during intense rainfall events, is misleading when compared to policy in the Fort Bend Drainage District Manual, which is very specific about allowable street ponding.

TELFAIR SECTION 24 FINAL REPLAT (CONTINUED)

Commissioner Stephens stated Note 16 notifies lot owners there can be water in the streets; streets are part of the drainage system. *Mr. Doug Schomburg, Interim Planning Director* stated nothing on plats should be characterized as misleading and a condition of approval should not be made that it appears misleading. Commissioner Jajoo stated he did not intend to make it a condition, but the notes should be reviewed in context of policy.

Commissioner Jajoo commented that the 10-foot waterline easement shown on Berclair Court reduces to 5 feet of storm-sewer /waterline easement as it approaches the cul-de-sac near Reserve D and asked how the waterline terminates. *Mr. Richard Mancilla, Engineer II* replied the easement size is based on location of the waterline to the back of the curb and the right-of-way; the City allows combined waterline/storm sewer easements down to 5 feet. *Commissioner Stephens* commented that you cannot get a storm sewer and a waterline in 5 feet; *Mr. Mancilla* responded the line is partially in a right-of-way. Commissioner Jajoo questioned how the alignment is being worked out to terminate a 10-foot waterline easement into a 5-foot combined waterline/storm sewer easement. *Mr. Chris LeBlanc, LJA Engineering*, stated this is a typo and should read “5-foot waterline easement”; there is no storm sewer; there is 10 feet of space between the curb and the right of way, making the total 15 feet, which meets City criteria.

Commissioner Stansell requested clarification regarding the temporary 255-foot drainage easement outside the plat boundary. *Mr. LeBlanc* replied it is part of the MU1 drainage channel built several years ago as drainage improvements. When the channel was originally devised, all parties agreed it would not be the final design; it was dedicated as a temporary easement and will be in place as long as the channel is in the configuration and will be abandoned and reworked as the channel is reconfigured. *Commissioner Stephens* asked if it will get reworked when platting is done; Mr. LeBlanc replied affirmatively, stating it will ultimately be a reserve dedicated to LID 17 as part of a plat.

Following a full and complete discussion, *Commissioner Stephens*, seconded by *Commissioner Berger*, made a motion to approve Telfair Section 24 Final Replat with conditions that: all separate instrument dedications for utility easements outside the plat boundaries be prepared and recorded with the plat; Reserve F Notes state “restricted to landscape, open space, and utility easement” be corrected to “utility easement”; “storm sewer easement/waterline easement” is changed to “waterline easement” where there is no storm sewer; termination of 14-foot UE/AE before it changes to 14-foot UE be shown; applicable changes to the dedicatory language be made; and “Fort Bend I.S.D.” is added to Note 7. The motion carried unanimously.

SUBDIVISION PLATS

TELFAIR SECTION 25A FINAL REPLAT

Chairman Yeung introduced consideration of and action on Telfair Section 25A Final Replat.

Mr. Harold Ellis, Planner II stated the Final Replat consists of 11.77 acres, 25 lots, and 1 reserve; with access from Wentworth Avenue connecting to University Boulevard through Telfair Section 24. The property is currently zoned R-1. The preliminary plat was larger and contained 40 lots that were split into 25A and 25B; only 25A is being platted at this time.

SUBDIVISION PLATS

TELFAIR SECTION 25A FINAL REPLAT (CONTINUED)

The land is former state prison land which was partitioned by the State of Texas in 1997 for transfer to the General Land Office (GLO). City Subdivision Regulations does not formally recognize partition plats; the replat is recorded with the County.

Staff recommends approval with two conditions:

- Recordation of Telfair Section 24 Final Replat prior to Section 25A (for access)
- Separate instrument dedications for utility easements outside the plat boundaries be prepared and recorded with the plat

Commissioner Stephens stated he had the same issue with Reserve A that he had on Reserve F on Telfair Section 24 plat: “restricted to landscape, open space, and utility easement” should be changed to “utility easement” in the Notes; “Fort Bend I.S.D.” should also be added to Note 7.

Commissioner Shaw asked if removing the landscape easement would prevent the Homeowner Association from adding landscaping on top of the levee as a buffer to the walkway, even though CenterPoint allows landscaping with certain height restrictions. **Mr. Keith Behrens, Newland Communities** stated the HOA will own it if the Commission does not restrict it to landscaping; shrubs, plants, or other landscaping will be prohibited. **Chairman Yeung** questioned whether the Commission could specify what the utility companies could allow in terms of landscaping, would the HOA have the ability to landscape the easement. Mr. Behrens stated there are restrictions on height in the utility easement document that is recorded with CenterPoint; if trees get planted within aerial or utility easements and grow beyond the restrictions, CenterPoint has the right to trim or remove them. Commissioner Shaw commented that a lot of people will use the levee as part of the park and recreational system; there is an opportunity within the 7-foot easement to provide privacy to residents through a landscaping buffer. **Commissioner Stansell** concurred, asking why the Commission would want to restrict more than the utility company already has; flexibility could be provided to the HOA by using language in alignment with the utility easement. Chairman Yeung concurred with using language that allows whatever the utility company accepts as landscaping. **Mr. Ellis** suggested leaving “landscape” in the Notes, stating it will not happen if not allowed by CenterPoint. Commissioner Shaw stated he was not advocating landscaping, but wants to leave the possibility open for the future.

Mr. Doug Schomburg, Interim Planning Director stated the City has not previously added a Note or other restrictions for landscaping. **Commissioner Stephens** commented a landscape easement on top of a UE/AE easement has never been an issue before; if landscaping is necessary, this should have been done as a 14-foot UE/AE with a landscape easement outside the lot to avoid potential problems in the future. Commissioner Stansell asked if the issue is one piece of property with two conditions over it. Commissioner Stephens responded 14 feet is being dedicated as a public utility easement, but 7 feet of is also being conveyed to the Homeowner Association for landscaping; there will be problems if the utility company has to tear out the landscaping to work on the poles or if the property line is split and a fence put up.

Commissioner Stansell asked who will be responsible for maintaining the 14 feet as a utility easement; **Mr. Behrens** stated it would be the Homeowner Association for 7 feet and the lot owner for the other 7 feet. Commissioner Stansell questioned if the 7 foot easement is not dedicated and the entire 14 feet is a utility easement, who will be responsible for the maintenance.

TELFAIR SECTION 25A FINAL REPLAT (CONTINUED)

Commissioner Stephens stated it would be part of the lot not a reserve, and the homeowner would be responsible. Mr. Behrens stated he would be fine with restricting it to utility easement or leaving it as landscaping, but he would not want to make it 14 feet one way or the other because it would encroach more into the lot depth. **Commissioner Stephens** asked for clarification on why the developer wants to do a 7 foot reserve; **Mr. Behrens** replied to place the poles outside of the lot.

Commissioner Shaw stated if the reserve is removed, the pole will be on property owners' lot inside the fence; keeping the landscape reserve creates a situation that is beneficial for the homeowner and is not detrimental to the City. **Commissioner Stephens** commented he does not have a problem with keeping the 7-foot reserve if it is restricted to utility easement and the poles are moved outside the lot; if the landscaping is allowable by CenterPoint, it does not need to be on the plat. **Chairman Yeung** commented that if it is restricted to utility, there may not be any landscaping if the wording is left as written CenterPoint has the option of approving or rejecting.

Mr. Behrens reiterated he can make it a utility easement; residents can come back and put in plant material within their 7 feet to hide whatever they do not want to see. **Mr. Schomburg** commended the applicant for taking this position, stating technically the plat meets all the City requirements, but landscaping could be added as a condition for approval if the applicant agrees. Commissioner Stephens asked staff to research the issue with CenterPoint to determine if a rule change might become necessary in the future.

Following a full and complete discussion, **Commissioner Stephens**, seconded by **Commissioner Jajoo**, made a motion to approve Telfair Section 25A Final Replat with conditions that: there be separate instruments for the 7-foot and 8-foot water line; Reserve A be restricted to utility easement; and "Fort Bend I.S.D." be added to Note 7. The motion carried by vote of 5 to 1, with Commissioner Shaw voting Nea.

SUBDIVISION PLATS

CLOVER LEAF COMMERCIAL RESERVE NORTH FINAL PLAT

Chairman Yeung introduced consideration of and action on Clover Leaf Commercial Reserve North Final Plat.

Mr. Harold Ellis, Planner II stated the Final Plat contains 5.62 acres, 3 reserves, and includes existing Colony Square Drive North; access is from First Colony Boulevard and U.S. 59 frontage road; property is zoned B-2 General Business. Staff recommends approval.

Commissioner Stephens asked how the 16-foot waterline easement shown in Reserve 5 goes down to the boundary of Colony Square Drive then picks up the same boundary line further left on the plat with another 16-foot waterline easement questioning what is between the two points. **Mr. Robert Mata, Costello Engineering**, stated the waterline can be shifted and extended to match up on the plat.

Commissioner Stephens asked if plats for commercial reserves include the standard dedicatory language for aerial/utility easements. **Mr. Ellis** replied if there is not an easement the dedicatory language is not necessary.

SUBDIVISION PLATS

CLOVER LEAF COMMERCIAL RESERVE NORTH FINAL PLAT (CONTINUED)

Commissioner Jajoo commented the 16-foot waterline easement goes west with the 20-foot storm sewer Easement, and questioned whether the two easements overlap. **Mr. Mata** replied they overlap, but are not combined; each is a separate easement. Commissioner Jajoo asked if the 16-foot waterline easement in the middle of Commercial Reserve B terminates at the 15- foot sanitary sewer easement; Mr. Mata affirmatively confirmed stating there is no specific use for Reserve A and it will be replatted.

Commissioner Shaw asked who maintains and polices Colony Square Drive, since it is a private street easement. **Mr. Ellis** stated the City provides police service and First Colony Community Association is responsible for maintenance. **Commissioner Stephens** asked if the Police Department has authority to issue tickets on private street easements; **Mr. Dobbs, Assistant City Attorney** state he believes the Police Department has authority, but will research and provide findings to the Commission. **Commissioner Shaw** stated there will need to be clarification for an informed public as there will be a significant amount of truck and vehicular traffic; the impact will affect all four tracts.

Commissioner Shaw, seconded by **Commissioner Berger**, made a motion to approve the Clover Leaf Commercial Reserve North Final Plat with the condition the waterline easement be moved and extended to match up on the plat. The motion carried unanimously.

REPORTS

PLANNING AND ZONING COMMISSION LIAISON REPORTS

Commissioner Stephens, commented on the City Council Meeting held June 15, 2010, stating the discussion of the risk-based infrastructure management program for wastewater collection system was an item of interest; the City will be investigating systems to determine the conditions and address possible major problems before they occur. On June 22, 2010, the discussion on site ranking, selection process, and delivery schedule for the professional minor league baseball stadium was an item of interest; the site selected for negotiation is the Imperial site; the Commission should see something in the near future.

CITY STAFF REPORT

Mr. Doug Schomburg, Interim Planning Director, stated staff would research landscaping with Center Point.

ADJOURN

There, being no further business to come before the Commission, **Commissioner Stansell**, seconded by **Commissioner Jajoo** moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 7:30 o'clock P.M.